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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,074	02/01/2001	Gerhard Reichert	1663-I-CIP	8012

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EXAMINER

TRAN A, PHI DIEU N

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 08/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,074

Applicant(s)

REICHERT, GERHARD

Examiner

Phi D A

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-30,32-34 and 36-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30,32-34 and 36-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/16/03 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 44-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are confusing in scope. The preamble of the claims clearly set forth the limitations as to that of “an outer muntin grid element”. That claims thus needs to set forth the limitation to the outer element. However, last paragraph “the body...for each corner ...inner muntin..element...around the inner muntin grid element” appears to claim the outer element in combination with the inner element. The claims are thus indefinite.

The claims are examined as best understood as being a subcombination to that of the outer muntin grid element.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 23, 26, 27, 28-30, 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Stoakes (4756131).

Stoakes (figure 2) shows a muntin grid piece comprising a rigid inner muntin grid element (42), a flexible collapsible outer muntin grid element (44), the outer muntin grid element substantially surrounding the inner muntin grid element to hide the inner muntin grid element (42) from view on both sides of the window when the muntin grid piece is installed, the outer element being in the form of a tube disposed around the inner muntin grid element, the outer element is connected to the inner muntin grid element with a connector (the slot or groove where edge of part 42 is extended), the outer element including at least one protruding foot (the parts which press against the glass panes) that increases the width of the outer muntin element, the outer element being resilient, the outer element defining a slit (the opening in the middle of part 44), the slit in the outer element defining opposed ends with the opposed ends being angled (0o).

3. Claims ~~23, 28-30, 32, 39, 42-43~~ are rejected under 35 U.S.C. 102(b) as being anticipated by Martin (3474587).

Martin (figures 1-7) shows a muntin grid piece comprising a rigid inner muntin grid element (22), a flexible collapsible outer muntin grid element (20, 18), the outer muntin grid element substantially surrounding the inner muntin grid element to hide the inner muntin grid

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element (22) from view on both sides of the window when the muntin grid piece is installed, the outer element being in the form of a tube disposed around the inner muntin grid element, the outer element is connected to the inner muntin grid element with a connector(the slot 40), the outer element including at least one protruding foot (figure 9 part 78) that increases the width of the outer muntin element, the outer element being resilient (col 3 lines 37-44), the slit allowing the tube to be opened and wrapped around the inner muntin element, the slit extending from the inner to the outer surface(the outer surface located at the end of the tube), the slit in the outer element defining opposed ends with the opposed ends being angled, the tube being collapsible and resilient.

4. Claims 44-49 are rejected under 35 U.S.C. 102(b) as being anticipated by Baier (3474587).

Baier (figures 5-6) shows an outer muntin grid element used to form a muntin grid piece in a simulated divided lite window, the outer muntin grid element having a body having a width and a longitudinal direction, the body having spaced parallel longitudinal ends (26, 22, figure 4) that define the width of the body, the body defining one corner notch (32, the corner between the parts 26 and the flat part), the body being made of foam having desiccant, flexible and resilient, an adhesive (34) connected to the body.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23, 26-30, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassl et al (5351459) in view of Martin (3474587).

Kassl et al (figures 2-6) shows a muntin grid piece comprising a rigid inner muntin grid element (40), an outer muntin grid element (22), the outer muntin grid element substantially surrounding the inner element (40) to hide the inner element from view on both sides of the window when the muntin grid element is installed, the outer element defining a slit (30), the slit in the outer element defining opposed ends, the ends being angled (the angled is not defined yet), the outer element being in the form of a tube disposed around the inner element, the outer muntin grid element being connected to the inner element with a connector (the circular interior 38 which connects to the inner muntin element, the connector is not yet defined), the outer element including at least one protruding foot (28, figure 9) that increases the width of the outer element.

Kassl et al does not show the outer element being made of flexible, collapsible, resilient material.

Martin discloses outer muntin grid element (20) being made of flexible, collapsible, resilient material (col 3 lines 37-44) to enable the material to be durable, flexible, resistance to moisture and sun and having pleasing appearance after installation.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kassl et al to show the outer element being made of flexible, collapsible material because it would enable the material to be durable, flexible, resistance to moisture and sun and having pleasing appearance after installation as taught by Martin.

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7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kassl et al in view of Martin as applied to claim 23 above, and further in view of Donaldson (6192651).

Kassl et al as modified shows all the claimed limitations except for the outer element being fabricated from a foam material.

Donaldson discloses foam material (24) forming an outer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kassl et al's modified structure to show the material being a foam material as taught by Donaldson because foam material is a well known material for forming a grid element as it has great heat insulation property and light weight.

8. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kassl et al in view of Martin and Donaldson as applied to claim 24 above, and further in view of Baier(5345743).

Kassl et al as modified shows all the claimed limitations except for the outer element having a desiccant.

Baier discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kassl et al's modified structure to show the outer element having a desiccant because it would enable the absorbent of the moisture within the glass chamber as taught by Baier.

9. Claims 33-34, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassl et al (5351459) in view of Martin (3474587).

Kassl et al (figures 2-6) shows a simulated divided lite insulating glazing unit having an internal muntin bar, the unit comprising a first and second spaced glass sheets defining an insulation chamber, a muntin bar disposed inside the insulating chamber, the bar having an inner grid element (40) and an outer grid element (22), the outer muntin grid element surrounding at least three sides of the inner element, the outer element being a tube having an inner surface and an outer surface, the outer element substantially surrounding the inner element (40), the outer element defining a slit (30) extending from the inner surface to the outer surface of the outer element (figure 4 shows the slit extending to the outer surface at the 34 area).

Kassl et al does not show the outer element being made of collapsible material.

Martin discloses outer muntin grid element (20) being made of collapsible material (col 3 lines 37-44) to enable the material to be durable, flexible, resistance to moisture and sun and having pleasing appearance after installation.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kassl et al to show the outer element being made of collapsible material because it would enable the material to be durable, flexible, resistance to moisture and sun and having pleasing appearance after installation as taught by Martin.

10. Claims 24, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassl et al in view of Martin as applied to claim 23 above, and further in view of Donaldson (6192651).

Kassl et al as modified shows all the claimed limitations except for the outer element being fabricated from a foam material.

Donaldson discloses foam material (24) forming an outer element.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kassl et al's modified structure to show the material being a foam material as taught by Donaldson because foam material is a well known material for forming a grid element as it has great heat insulation property and light weight.

11. Claims 25, 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kassl et al in view of Martin and Donaldson as applied to claim 24 above, and further in view of Baier(5345743).

Kassl et al as modified shows all the claimed limitations except for the outer element having a desiccant.

Baier discloses desiccant within an insulated glass to absorb moisture within the glass chamber.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kassl et al's modified structure to show the outer element having a desiccant because it would enable the absorbent of the moisture within the glass chamber as taught by Baier.

12. Claims 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin (3474587) in view of Baier and Donaldson.

Martin shows all the claimed limitations except for the outer element being fabricated from a foam material having a desiccant.

Baier discloses an outer element having desiccant to enable absorption of moisture inside a glass chamber.

Donaldson discloses forming an outer element with foam material.

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It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Martin to show the outer element being fabricated from a foam material as taught by Donaldson having a desiccant as taught by Baier because foam material is a well known material for forming a grid element as it has great heat insulation property and light weight, and desiccant material enable the absorption of the moisture within an insulated chamber as taught by Baier.

Response to Arguments

13. Applicant's arguments with respect to claims 23-30, 32-34, 36-49 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different muntin bar structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Phi Dieu Tran A
August 4, 2003